

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-36 are currently pending. Claims 1, 2, 5, 13, 14, 17, 20, 21, 25, 26, and 29 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the Examiner indicated that the IDS filed April 9, 2001, has not been considered because the Examiner has not been able to find it; Claims 1, 13, and 25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 9, 17, and 25 of U.S. Patent No. 6,662,225 to Motoyama et al. (hereinafter "the '225 patent"); Claims 1-7, 13-19, and 25-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,314,460 to Knight et al. (hereinafter "the '460 patent")²; and Claims 8-12, 20-24, and 32-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '460 patent in view of U.S. Patent No. 5,706,434 to Kremen et al. (hereinafter "the '434 patent").

Applicants wish to thank the Examiner for the interview granted Applicants' representative on December 2, 2004, at which time the outstanding rejection of the claims was discussed. In particular, Applicants' representative requested clarification of how the '460 patent discloses a target application interface configured to receive monitoring requests, as recited in Claim 1. Moreover, Applicants' representative requested clarification of which element in the '460 patent reads on the claimed target application. However, no agreement was reached pending the Examiner's further consideration of the claims upon formal submission of a response to the outstanding Office Action.

² Although page 3 of the Office Action dated September 16, 2004, indicates that Claims 1-36 were rejected under 35 U.S.C. § 102, the Examiner confirmed in a telephone discussion on November 30, 2004, that only Claims 1-7, 13-19, and 25-31 should have been rejected on that basis.

Regarding the IDS filed April 9, 2001, as a courtesy to the Examiner, a copy of the PTO Form-1449 and the List of Related Cases as filed are submitted herewith. Accordingly, Applicants request that the references be acknowledged as considered by the Examiner.

Amended Claim 1 is directed to an object-oriented system for collecting information regarding execution of a target application in an application unit, the system comprising:
(1) a monitoring device having a plurality of monitoring components; (2) a target application interface configured to receive a plurality of monitoring requests from the target application for processing by the monitoring device; and (3) a system resource having at least one system resource component shared among the plurality of monitoring components using at least one abstract class. Claim 1 has been amended for the purpose of clarification only and no new matter has been added.

Applicants respectfully traverse the rejection of Claims 1, 13, and 25 under the judicially-created doctrine of obviousness-type double patenting over the claims in the '225 patent. The '225 patent fails to disclose a system resource having at least one system resource component shared among the plurality of monitoring components using at least one abstract class, as recited in amended Claim 1. Accordingly, Applicants respectfully submit that Claims 1, 13, and 25 patentably define over the '225 patent.

Regarding the rejection of Claim 1 as anticipated by the '460 patent, the '460 patent is directed to a method and system for analyzing a storage network attached to at least one host computer system through multiple controllers. As shown in Figure 1, the '460 patent discloses a distributed storage management program comprising a central manager portion and a separate agent residing in each of the host computer systems. The agents gather data and communicate with the manager across a communication path independent of the storage network, while the manager collates the data from different agents to produce a current view

of the storage network.³ Further, the '460 patent discloses that each agent operates as a server, responding to data requests from the central manager. However, Applicants respectfully submit that the '460 patent fails to disclose a target application interface configured to receive a plurality of monitoring requests from the target application for processing by the monitoring device. In particular, it is unclear from the Office Action which element of the '460 patent corresponds to the claimed target application and to the claimed application unit. Further, Applicants note that the Office Action has asserted that the claimed monitoring device having a plurality of monitoring components corresponds to the central manager and the agents disclosed by the '460 patent. However, given this interpretation, Applicants respectfully submit that it is inconsistent to assert that the agents also correspond to the target application interface recited in Claim 1, as asserted by the outstanding Office Action.⁴ In addition, Applicants submit that the '460 patent fails to disclose a plurality of monitoring requests from the target application to the target application interface, as recited in amended Claim 1. In this regard, Applicants note that the Office Action fails to identify requests that are from the target application and for processing by the monitoring device. Rather, the Office Action merely asserts generally that the agents receive a request to monitor a device. Accordingly, for the reasons stated above, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claims 2-7) as anticipated by the '460 patent.

Independent Claims 13 and 25 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully traverse the rejections of Claim 13 (and dependent Claims 14-19) and Claim 25 (and dependent Claims 26-30) as anticipated by the '460 patent.

Regarding the rejection of dependent Claims 8-12, 20-24, and 32-36 under 35 U.S.C. § 103, Applicants respectfully submit that the '434 patent fails to remedy the deficiencies of

³ '460 patent, column 3, lines 17-23.

⁴ See page 4 of the Office Action dated September 16, 2004.

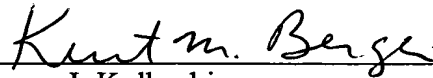
the '460 patent, as discussed above. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 8-12, 20-24, and 32-36 should be withdrawn.

Thus, it is respectfully submitted that independent Claims 1, 13, and 25 (and all associated dependent claims) patentably define over any proper combination of the '460 and '434 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



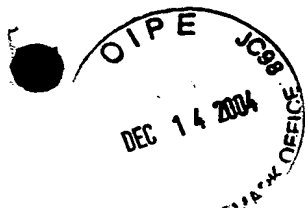
James J. Kulbaski
Attorney of Record
Registration No. 34,648
Kurt M. Berger, Ph.D.
Registration No. 51,461

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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OSMM&N File No. 194543US2

Dept.: E/M

By: JJK/sdi

Serial No. 09/782,187

In the matter of the Application of: Tetsuro MOTOYAMA et al.

For: METHOD AND SYSTEM OF REMOTE DIAGNOSTIC, CONTROL AND INFORMATION COLLECTION USING A SHARED RESOURCE

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pp. Specification Claims/Drawings Sheets
- ☐ and pages Application Data Sheet
- ☐ Combined Declaration, Petition & Power of Attorney pages
- ☐ List of Inventor Names and Addresses
- ☐ Utility Patent Application ☐ CPA
- ☐ Notice of Priority ☐ Priority Doc
- ☐ Check for ☒ Dep. Acct. Order Form
- ☐ Fee Transmittal Form
- ☐ Assignment/PTO 1595 pages:
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☐ Letter
- ☐ Amendment
- ☐ Information Disclosure Statement
- ☒ Cited References (12)
- ☐ Search Report
- ☐ Statement of Relevancy
- ☒ IDS/Related/List of Related Cases
- ☐ Restriction Response
- ☐ Rule 132 Declaration
- ☐ Petition for Extension of Time
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- ☐ White Advance Serial Number Card
- ☐ Small Entity Status is Claimed
- ☐
- ☐



☒ Cited Pending Applications (36)

☐ Election Response

Due Date: 04/09/01

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SHEET OF

Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTORNEY DOCKET NO.
194543US2

DEC 14 2004

SERIAL NO.
09/782,187

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT
Tetsuro MOTOYAMA et al.FILING DATE
02/14/2001

GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,412,779	05/02/95	MOTOYAMA			
	AB	5,537,554	07/16/96	MOTOYAMA			
	AC	5,819,110	10/06/98	MOTOYAMA			
	AD	5,544,289	08/06/96	MOTOYAMA			
	AE	5,818,603	10/06/98	MOTOYAMA			
	AF	5,568,618	10/22/96	MOTOYAMA			
	AG	5,848,386	12/08/98	MOTOYAMA			
	AH	5,649,120	07/15/97	MOTOYAMA			
	AI	5,774,678	06/30/98	MOTOYAMA			
	AJ	5,909,493	06/01/99	MOTOYAMA			
	AK	5,887,216	03/23/99	MOTOYAMA			
	AL	6,085,196	07/04/00	MOTOYAMA et al.			
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO	
	AO					
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	
	AX	
	AY	
	AZ	

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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LIST OF RELATED CASES

<u>Docket Number</u>	<u>Serial or Patent No.</u>	<u>Filing or Issue Date</u>	<u>Status or Patentee</u>
PER CLIENT	07/902,462	06/19/92	UNKNOWN
PER CLIENT	07/549,278	07/06/90	UNKNOWN
5244-0024-37 FWC I	5,412,779	05/02/95	MOTOYAMA
5244-0026-37 CONT	5,537,554	07/16/96	MOTOYAMA
5244-0027-37	5,819,110	10/06/98	MOTOYAMA
5244-0029-37 CONT	5,544,289	08/06/96	MOTOYAMA
5244-0031-2	5,818,603	10/06/98	MOTOYAMA
5244-0032-37 CONT	5,568,618	10/22/96	MOTOYAMA
5244-0033-37	5,848,386	12/08/98	MOTOYAMA
5244-0037-37 CONT	5,649,120	07/15/97	MOTOYAMA
5244-0042-2X CONT	5,774,678	06/30/98	MOTOYAMA
5244-0047-2X	5,909,493	06/01/99	MOTOYAMA
5244-0050-2X	5,887,216	03/23/99	MOTOYAMA
5244-0051-2X DIV	08/738,659	10/30/96	PENDING
5244-0052-2X DIV	08/738,461	10/30/96	PENDING
5244-0054-2X	08/883,492	06/26/97	PENDING
5244-0062-2X DIV	08/880,683	06/23/97	PENDING
5244-0067-2X	6,085,196	07/04/00	MOTOYAMA et al.
5244-0068-2X	08/997,705	12/23/97	ALLOWED
5244-0070-2X CONT	08/916,009	08/21/97	PENDING
5244-0082-2X DIV	09/108,705	07/01/98	PENDING

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5244-0083-2X DIV	09/107,989	07/01/98	PENDING
5244-0084-2X	09/192,583	11/17/98	PENDING
5244-0089-2X CONT	09/190,460	11/13/98	ALLOWED
5244-0092-2	09/311,148	05/13/99	PENDING
5244-0093-2	09/408,443	09/29/99	PENDING
5244-0094-2	09/407,769	09/29/99	PENDING
5244-0099-2X	09/393,677	09/10/99	PENDING
5244-0104-2X	09/440,692	11/16/99	PENDING
5244-0105-2X	09/440,647	11/16/99	PENDING
5244-0106-2X	09/440,646	11/16/99	PENDING
5244-0108-2	09/440,693	11/16/99	PENDING
5244-0109-2	09/440,645	11/16/99	PENDING
5244-0114-2	09/520,368	03/07/00	PENDING
5244-0116-2	09/542,284	04/04/00	PENDING
5244-0117-2X CONT	09/457,669	12/09/99	PENDING
5244-0119-2	09/453,877	02/04/00	PENDING
5244-0121-2	09/453,934	05/17/00	PENDING
5244-0122-2	09/453,935	05/17/00	PENDING
5244-0125-2	09/453,936	05/17/00	PENDING
5244-0126-2	09/453,937	05/17/00	PENDING
5244-0129-2	09/575,702	07/12/00	PENDING
5244-0130-2	09/575,710	07/25/00	PENDING
194901US2	09/668,162	09/25/00	PENDING
194536US2	09/782,164	02/14/01	PENDING
194538US2	09/782,083	02/14/01	PENDING

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194539US2	09/782,064	02/14/01	PENDING
194543US2*	09/782,187	02/14/01	PENDING
198775US2	09/756,120	01/09/01	PENDING

*Present application; listed for information.
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